

REMARKS

In the Office Action mailed February 27, 2007, the Office Action rejected claims 1-11, 17 and 19-21 under 35 U.S.C. § 112. The Office Action also rejected claims 1-3, 12, 15, 16, 18 and 21-22 under 35 U.S.C. § 102. The Office Action further rejected claims 4-11, 13-14, 17 and 19-20 under 35 U.S.C. § 103. Claims 1, 4-6, 8, 10, 12, 15-22 have been amended.

Applicants respectfully respond to this Office Action.

I. Rejection of Claims 1-11, 17 and 19-21 Under 35 U.S.C. § 112

The Office Action rejected claims 1-11, 17 and 19-21 under 35 U.S.C. § 112 as being indefinite. Claims 1, 4-6, 8, 10, 17 and 19-21 have been amended as suggested by the Office Action. As such, Applicants respectfully request that the rejection of claims 1-11, 17 and 19-21 be withdrawn.

II. Rejection of Claims 1-3 Under 35 U.S.C. § 102

The Office Action rejected claims 1-3 under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2003/0104814 to Gwon et al. (hereinafter, “Gwon”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Gwon. Gwon does not disclose all of the limitations in these claims.

Claim 1 has been amended to recite “wherein an element comprising the storage location assigns the location of session information as an access terminal identifier.” Support for this

amendment may be found in Applicants' specification, for example, page 11, paragraph [0044]. Gwon does not disclose this claim element. In fact, the Office Action admits that "Gwon does not disclose using the location of session information as a[n] [access terminal] identifier." Office Action, page 9. Purnadi does not overcome the deficiencies of Gwon.

Instead Purnadi states:

It assigns the IP address for Simple IP (the dynamic address may be chosen by the PRF 304 or AAA 305) and maps the Network Access Identifier (NAI) and mobile client IP address to the Mobile Identifier and unique identifier used to communicate with PCF 303.

Purnadi, col. 5, lines 29-34.

The Office Action points to this portion of Purnadi to support the assertion that "Purnadi discloses where the location of a serving agent, acts as a[n] [access terminal] identifier." Office Action, page 9. However, this cited portion of Purnadi does not disclose that it is the storage element that "assigns the location of session information as an access terminal identifier." For example, Purnadi discloses "[i]t assigns the IP address . . . and maps the Network Access Identifier (NAI) . . . to the Mobile Identifier." Purnadi, col. 5, lines 29-34. Purnadi discloses that "it" is the "[p]acket Routing Function (PRF)" that maps the NAI to the Mobile Identifier. See Purnadi, col. 5, lines 21-40. Purnadi does not disclose that the PRF is "an element comprising the storage location."

Rather, the PRF "sets up, maintains and terminates the link layer connection to the mobile client and also interacts with PCF 303 to establish, maintain and terminate a connection." Purnadi, col. 5, lines 21-24. Purnadi further states that the PRF "interacts with a serving PCF 303 and a target PCF 303 to maintain PPP connection to a mobile client." Purnadi, col. 5, lines 25-27. In addition, "PRF 304 routes packets to external packet data networks. Purnadi, col. 5, lines 27-28. None of the above features of the PRF disclose "an element comprising the storage location [of session information]." A PRF that sets up, maintains and terminates link layers does not disclose "an element comprising the storage location." A PRF that interacts with a PCF to maintain PPP connection also does not disclose "an element comprising the storage location." Further, a PRF that routes packets does not disclose "an element comprising the storage location." As such, Purnadi does not disclose "wherein an element comprising the storage

location assigns the location of session information as an access terminal identifier” as claimed by Applicants.

In view of the foregoing, Applicants respectfully submit that claim 1 is patentably distinct from Gwon. Accordingly, Applicants respectfully request that the rejection of claim 1 be withdrawn.

The Office Action rejected claims 2-3 under 35 U.S.C. § 102(a) based on Gwon. This rejection is respectfully traversed. It is well settled that if an independent claim is patentable over the cited art, then all claims depending from the independent claim are similarly patentable. M.P.E.P. § 2143.03 (“If an independent claim is nonobvious under 35 U.S.C. 103, then any claim depending therefrom is nonobvious”). In this case claims 2-3 depend directly or indirectly from claim 1. As noted above, claim 1 is patentable over Gwon. Accordingly, as the independent claim is patentable over this reference, dependent claims 2-3 (which depend from independent claim 1) are similarly allowable. Favorable consideration and withdrawal of this rejection is respectfully requested.

III. Rejection of Claims 12, 15, 16, 18 and 21-22 Under 35 U.S.C. § 102

The Office Action rejected claim 12, 15, 16, 18 and 21-22 under 35 U.S.C. § 102(a) as being anticipated by U.S. Publication No. 2002/0196749 to Eyuboglu et al. (hereinafter, “Eyuboglu”). This rejection is respectfully traversed.

“A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” MPEP § 2131 (citing Verdegaal Bros. v. Union Oil Co. of California, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987)). “The identical invention must be shown in as complete detail as is contained in the ... claim.” Id. (citing Richardson v. Suzuki Motor Co., 9 USPQ2d 1913, 1920 (Fed. Cir. 1989)). In addition, “the reference must be enabling and describe the applicant’s claimed invention sufficiently to have placed it in possession of a person of ordinary skill in the field of the invention.” In re Paulsen, 31 USPQ2d 1671, 1673 (Fed. Cir. 1994).

Applicants respectfully submit that the claims at issue are patentably distinct from Eyuboglu. Eyuboglu does not disclose all of the limitations in these claims.

Claim 12 recites “storing session information for the first communication session in a first location.” The Office Action points to the following portion of Eyuboglu in support of the assertion that Eyuboglu discloses this claim element. Eyuboglu states:

While dormant, the AT sends RouteUpdate messages, as needed, to provide information about its current location. This mobility information is maintained at a Mobility Manager in the serving RNC.

Eyuboglu, page 4, paragraph [0036].

It appears the Office Action is asserting that “a Mobility Manager” discloses “a first location” in which session information is stored. Claim 12 has been amended to recite “the first location assigns the session information IP address as the mobile station identifier.” Support for this amendment may be found in Applicants’ specification, for example, page 11, paragraph [0044]. Eyuboglu does not disclose this claim element.

As previously shown, the Office Action asserts that “a mobility manager” discloses “a first location.” However, Eyuboglu does not disclose that the mobility manager “assigns the session information IP address as the mobile station identifier.” Instead, Eyuboglu states:

Each RN keeps a routing table for the mapping between the UATI and the serving RNC. This routing table may be provided to the RN by a network management system. As in the previous system, each RNC owns the UATI values that fall within a certain range. Whenever the RN receives an Access Channel packet, it determines from the UATI value in the MAC Layer Header the identity of the serving RNC, and routes the packet to that RNC by placing an IP address of the serving RNC in the destination address field of the IP header.

Eyuboglu, page 5, paragraph [0051].

As shown by the above passage, Eyuboglu states “the RN . . . determines the identity of the serving RNC, and routes the packet to that RNC by placing an IP address of the serving RNC in the destination address field of the IP header.” *Id.* The RN is not the mobility manager. Rather, the RN is a “radio node.” Eyuboglu, page 1, paragraph [0005]. Figure 1 of Eyuboglu also illustrates “one or more radio network controllers.” *Id.* These radio network controllers are separate from the radio node. In fact, “the [radio nodes] are connected to [radio network controllers] over a backhaul network.” *Id.* Eyuboglu discloses that the mobility manager is “in the serving [radio network controller].” In other words, the mobility manager is part of a radio network controller. As previously stated, Eyuboglu states “the RN . . . determines the identity of

the serving RNC, and routes the packet to that RNC by placing an IP address of the serving RNC in the destination address field of the IP header.” Eyuboglu, page 5, paragraph [0051]. However, claim 12 recites “the first location assigns the session information IP address as the mobile station identifier.” The RN does not disclose “the first location” as claimed by Applicants because the RN is not “a mobility manager.”

In view of the foregoing, Applicants respectfully submit that claim 12 is patentably distinct from Eyuboglu. Accordingly, Applicants respectfully request that the rejection of claim 12 be withdrawn.

Claims 15, 16, 18, 21, and 22 have been amended to include a new limitation in a similar manner as claim 12. As such, Applicants respectfully submit that claims 15, 16, 18, 21, and 22 are patentably distinct from Eyuboglu for at least the same reasons as those presented above in connection with the new limitation of claim 12. Accordingly, Applicants respectfully request that the rejection of claims 15, 16, 18, 21, and 22 be withdrawn.

IV. Rejection of Claims 4-5 Under 35 U.S.C. § 103

The Office Action rejected claims 4-5 under 35 U.S.C. § 103(a) as being unpatentable over Gwon in view of Purnadi. This rejection is respectfully traversed.

The M.P.E.P. states that

To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations. The teaching or suggestion to make the claimed combination and the reasonable expectation of success must both be found in the prior art, and not based on applicant's disclosure.

The initial burden is on the examiner to provide some suggestion of the desirability of doing what the inventor has done. To support the conclusion that the claimed invention is directed to obvious subject matter, either the references must expressly or impliedly suggest the claimed invention or the examiner must present a convincing line of reasoning as to why the artisan would have found the claimed invention to have been obvious in light of the teachings of the references.

M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 4-5 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 4-5 be withdrawn for the same reasons as those presented in connection with claim 1 because Gwon and Purnadi, alone or in combination, do not teach or suggest all of the claim elements in claim 1.

V. Rejection of Claims 13-14 Under 35 U.S.C. § 103

The Office Action rejected claims 13-14 under 35 U.S.C. § 103(a) as being unpatentable over Eyuboglu in view of U.S. Publication No. 2003/0135626 to Ray et al. (hereinafter, “Ray”). This rejection is respectfully traversed. The standard to establish a *prima facie* case of obviousness is provided above. See M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 13-14 depend either directly or indirectly from claim 12. Accordingly, Applicants respectfully request that the rejection of claims 13-14 be withdrawn for the same reasons as those presented in connection with claim 12 because Eyuboglu and Ray, alone or in combination, do not teach or suggest all of the claim elements in claim 12.

VI. Rejection of Claims 17 and 19-20 Under 35 U.S.C. § 103

The Office Action rejected claims 17 and 19-20 under 35 U.S.C. § 103(a) as being unpatentable over Gwon in view of U.S. Publication No. 2002/0078226 to Kato et al. (hereinafter, “Kato”). This rejection is respectfully traversed. The standard to establish a *prima facie* case of obviousness is provided above. See M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claim 17 depends directly from claim 16. Claims 19-20 depend either directly or indirectly from claim 18. Accordingly, Applicants respectfully request that the rejection of claims 17 and 19-20 be withdrawn for the same reasons as those presented in connection with claims 16 and 18 because Gwon and Kato, alone or in combination, do not teach or suggest all of the claim elements in claims 16 and 18.

VII. Rejection of Claims 6-11 Under 35 U.S.C. § 103(a)

The Office Action rejected claims 6-11 under 35 U.S.C. § 103(a) as being unpatentable over Gwon in view of Purnadi in further view of Eyuboglu. This rejection is respectfully traversed. The standard to establish a *prima facie* case of obviousness is provided above. See M.P.E.P. § 2142.

Applicants respectfully submit that the claims at issue are patentably distinct from the cited references. The cited references do not teach or suggest all of the limitations in these claims.

Claims 6-11 depend either directly or indirectly from claim 1. Accordingly, Applicants respectfully request that the rejection of claims 6-11 be withdrawn for the same reasons as those presented in connection with claim 1 because Gwon, Purnadi and Eyuboglu, alone or in combination, do not teach or suggest all of the claim elements in claim 1.

REQUEST FOR ALLOWANCE

In view of the foregoing, Applicants submit that all pending claims in the application are patentable. Accordingly, reconsideration and allowance of this application are earnestly solicited. Should any issues remain unresolved, the Examiner is encouraged to telephone the undersigned at the number provided below.

Respectfully submitted,

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